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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,761	02/09/2004	Jeffrey W. Yeo	6270/136	8720
46260	7590	02/17/2006	EXAMINER	
BRINKS HOFER GILSON & LIONE/PML PO BOX 10395 CHICAGO, IL 60610			LAU, TUNG S	
			ART UNIT	PAPER NUMBER
			2863	

DATE MAILED: 02/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/775,761

Applicant(s)

YEO ET AL.

Examiner

Tung S. Lau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 February 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-19 and 21-26 is/are rejected.
- 7) ☒ Claim(s) 7 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/03/2006 has been entered.

### ***Joint inventor***

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 C.F.R. 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for

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patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 8-19 and 21-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Carr (U.S. Patent 6,968,295).

Regarding claim 1:

Carr discloses a method of identifying at least one unknown energy driver (Col. 17, Lines 9-34), the method comprising: receiving quantity metadata and energy usage data (Col. 16, Lines 34-56); determining at least one relationship between the quantity metadata and energy usage data by analyzing the quantity metadata and energy usage data (Col. 16, Lines 34-56); assessing the quality of the at least one relationship (Col. 16, Lines 34-56), identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship (Col. 16, Lines 34-56), wherein energy consumption is at least based on the at least one energy driver (Col. 16-17, Lines 34-34); and outputting the identified at least one energy driver (Col. 16-17, Lines 34-34).

Regarding claim 11:

Carr discloses a system for identifying unknown energy drivers in an energy distribution network (Col. 17, Lines 9-34, fig. 1), the system comprising: an energy drivers application (Col. 4, Lines 14-64), the energy drivers application having; an input module operative to receive quantity metadata and energy usage data (Col. 4, Lines 14-64); a processing module coupled with the input module and operative to determine at least one relationship by analyzing the

quantity metadata and energy usage data (Col. 4, Lines 14-64, Col. 16, Lines 34-56), the processing module being further operable to assess the quality of the at least one relationship and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship (Col. 16, Lines 34-56); wherein the at least one energy driver influence energy consumption (Col. 17, Lines 9-33); and an output module coupled with the processing module and operative to output the identified at least one energy driver (Col. 16-17, Lines 34-34) .

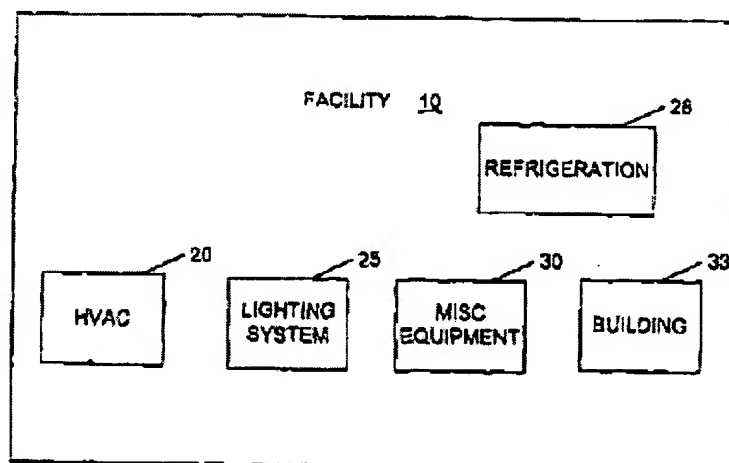


FIG. 1

Regarding claim 24:

Carr discloses a system for identifying unknown energy drivers in an energy distribution network (Col. 17, Lines 9-34), comprising: means for accepting quantity metadata and energy usage data associated with consumed energy (Col. 17, Lines 9-34, fig. 1); means for determining at least one relationship by analyzing the quantity metadata and energy usage data (Col. 17, Lines 9-34);

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means for assessing the quality of the at least one relationship and influencing the amount of the consumed energy (Col. 17, Lines 9-34, fig. 1); means for identifying the at least one energy driver from the quantity metadata contributing to the determined at least one relationship; and means for outputting the identified at least one energy driver (Col. 16-17, Lines 33-34).

Regarding claim 25:

Carr discloses an energy drivers application implemented on a computer (Col. 8, Lines 21-37), the computer having a processor and a memory coupled with the processor (Col. 8, Lines 21-37), the energy drivers application comprising: first logic stored in the memory and executable by the processor and operable to accept quantity metadata and energy usage data (Col. 8, Lines 21-37, Col. 16, Lines 34-56); second logic stored in the memory, executable by the processor and coupled with the first logic (Col. 17, Lines 8-31), and operable to determine at least one relationship by analyzing the quantity metadata and energy usage data (Col. 17, Lines 8-31), the third logic being further operable to assess the quality of the at least one relationship and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship wherein the at least one energy driver comprises a variable influence energy usage (Col. 19, Lines 45-67), and third logic stored in the memory, executable by the processor and coupled with the second logic, and operable to output the at least one energy driver (Col. 19, Lines 45-67).

Regarding claim 26:

Carr discloses an energy drivers application for use in an energy distribution network (fig. 1, abstract), comprising: an input module operative to accept quantity metadata and energy usage data (Col. 1, Lines 25-67); a processing module coupled with the input module and operative to determine at least one relationship by analyzing the quantity metadata and energy usage data (Col. 8, Lines 21-37), the processing module being further operable to assess the quality of the at least the relationship and identify the at least one energy driver from the quantity metadata contributing to the determined at least one relationship wherein the at least one energy driver comprises an external factor affecting energy consumption (Col. 16-17, Lines 34-34); and an output module coupled with the processing module and operative to output the identified at least one energy driver (Col. 17, Lines 7-34).

Regarding claims 2, 15, Carr discloses relationship with time (Col. 10, Lines 1-14); Regarding claims 3, 16, Carr discloses relates to production levels (abstract); Regarding claims 4, 17, Carr discloses production schedules (Col. 5, Lines 32-39); Regarding claims 5, 18, Carr discloses related to process variable (Col. 17, Lines 7-34); Regarding claims 8, 21, Carr discloses generic algorithm (Col. 17-18, Lines 35-60); Regarding claims 9, 22. Carr discloses the energy usage are not ratiometrically linked (Col. 20-21, Lines 65-8); Regarding claims 10, 23, Carr discloses outputting graph (fig. 41); Regarding claim 12, Carr discloses network (Col. 8, Lines 21-38); Regarding claim 13, Carr discloses IED in a network (abstract, Col. 8, Lines 21-38); Regarding claim 14, (Col. 8, Lines

21-38) discloses measuring device coupled to network (abstract, Col. 8, Lines 21-38); Regarding claims 6 and 19, use of linear regression analysis (Col. 27, Lines 26-46).

***Allowable Subject Matter***

4. Claims 7 and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitation of the base claim and any intervening claims.

The following is an examiner's statement of reasons for allowance: prior art fail to teach regarding claims 7 and 20, use of multivariate regression analysis.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

5. Applicant's arguments with respect to the amended claims have been considered but are moot in view of the new ground(s) of rejection. However, applicant's arguments filed 02/03/2006 have been fully considered but they are not persuasive.
6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tung S Lau whose telephone number is 571-272-2274. The examiner can normally be reached on M-F 9-5:30. If attempts to



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reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on 571-272-2269. The fax phone numbers for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TL

BRYAN BUI  
PRIMARY EXAMINER

